

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 8/9/2021

Memorandum Endorsement*Wynn v. Tucker Albin Associates, et al., 21-cv-3503-NSR*

The Court is in receipt of the attached letter dated August 4, 2021 from pro se Plaintiff advising the Court, in sum, that “I am withdrawing my case for the court, case number (21-cv-3503) [b]ecause my debt falls under commercial debt, not consumer debt. Business to business; not person to business or person to person. The F.D.C.P.A. Act will not apply in this case. So I will be withdrawing the case for now.” (ECF No. 14.) Though it appears that Plaintiff wishes to voluntarily discontinue this action based on his assessment that his claims are deficient, Plaintiff may have actually intended to seek to amend his complaint to assert another claim insofar as he states that he “will be withdrawing the case for now.” (*Id.* (emphasis added).)

To the extent that Plaintiff simply wishes to replead his claims, he may be entitled to file an Amended Complaint pursuant to Fed. R. Civ. P. 15 in the event that he is filing the amended complaint 21 days after serving it, or he may instead need to seek the leave of this Court if that time has lapsed. The Court does not take a view as to whether Plaintiff has a viable claim and does not mean to suggest that Plaintiff should file an amended complaint if that was not his intention.

If, as seems more likely, Plaintiff intends to voluntarily dismiss this action without prejudice, he is permitted pursuant to Fed. R. Civ. P. 41(A) (1)(A)(i) to dismiss his action without prejudice and without further leave of the Court by filing a Notice of Voluntary Dismissal Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). The Court has attached a blank notice form that he is directed to complete if he wishes to dismiss this action.

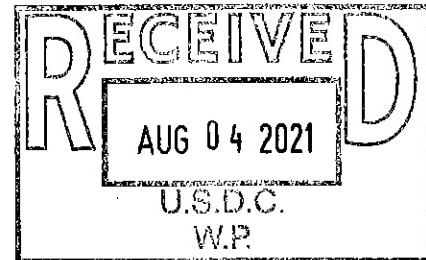
The Clerk of the Court is respectfully directed to mail a copy of this Endorsement to pro se Plaintiff at his address listed on ECF and to show proof of service on the docket.

Dated: August 9, 2021
White Plains, New York

SO ORDERED:



NELSON S. ROMÁN
United States District Judge



Date: 8/4/2021

To The Federal Courts.

I am withdrawing my case for the court, case number (21-cv-3503)

Because my debt falls under commercial debt, not consumer debt.

Business to business; not person to business or person to person.

The F.D.C.P.A. Act will not apply in this case.

So, I will be withdrawing the case for now.

Thank You:

Green-Jay LTD
Eric Wynn

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

,) **NOTICE OF VOLUNTARY**
Plaintiff(s)) **DISMISSAL PURSUANT TO**
v.) **F.R.C.P. 41(a)(1)(A)(i)**
))
) Case No.:
 ,)
Defendant(s)))
))
))

NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)

Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) _____ and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, without prejudice against the defendant(s)
_____.

Date:

Signature of plaintiffs or plaintiff's counsel

Address

City, State & Zip Code

Telephone Number